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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,428	10/26/2000	Bruce A Beadle	AUS9200000120US1	4820

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EXAMINER

TRAN, LAMBERT L

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 09/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/697,428

Applicant(s)

BEADLE, BRUCE A

Examiner

Lambert L. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 1-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Action is in response to the application filed on 25 October 2000.

#### ***Priority***

2. No claim for priority has been made in this application.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 25 October 2000 (paper #2) has been considered by the Examiner (see attached PTO 1449).

#### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Label "500" on line 21, page 17. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Label 502 of figure 5. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

6. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.
7. The disclosure is objected to because of the following informalities:
- a. The word “blanks” on line 24, page 17 and its subsequent occurrences need to be appropriately filled in.
  - b. The word “blank” on line 26, page 17 needs to be appropriately filled in.
- Appropriate correction is required.
8. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
- A person shall be entitled to a patent unless –
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
10. Claims 1, 9 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki et al., hereinafter referred to as Aoki, U.S. Patent No 6,078,913.

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11. In regard to claim 1, Aoki disclosed an apparatus for searching and retrieving document (*page*) wherein the searching and retrieving comprising:

*creating an entry representing a page in a hotlist of pages* [A leaf node selection step of selecting a specific number of the documents (*pages*) from all the documents, see Aoki, inter alia, col. 4, lines 5-15];

*searching the page (document) for (index) keywords* [see Aoki, inter alia, col. 2, lines 49-65];  
*and*

*responsive to discovering at least one keyword within the page, incorporating the at least one keyword into a keyword field of the entry in the hotlist of pages* [the content database and a control unit for storing a cluster of plurality of node information, see Aoki, col. 2, lines 49-65, figures 3B-3C].

12. In regard to claims 9 and 17, these claims describe a system and a computer program that presented in claim 1. They are rejected using the same rationale.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walls et al., U.S. Patent No 5,848,410, hereinafter referred to as Walls, in view of would have been obvious to one of ordinary skill in the art at the time the invention was made.

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15. In regard to claim 1, Walls disclosed a system and method for continuous web indexing and add a link utility. The continuous indexer is configured to search network file (*web page*) [see Walls, and col. 3, lines 52-54, col. 3, lines 20-22, and figures 7-12] and providing the user with a comprehensive index (*keyword*) of the information within the file [see Walls, col. 3, lines 64-67].

16. While Walls disclosed the invention substantially as claimed, Walls did not expressly disclose *creating an entry representing a page in a hot list of pages*. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walls' teaching of "providing the user with a comprehensive index of the information" [see Walls, col. 3, lines 64-67] to *create an entry representing a page in a hot list of pages* in order to improve access to documents in a large database, such as the World Wide Web of Internet [see Walls, ABSTRACT]. Since representing a page with hot lists or bookmarks would have allowed a user to return to web pages at a future time [see Walls, col. 2, lines 36-41].

17. Thus, the combined knowledge of one of ordinary skill in the art at the time the invention was made and the express teaching of Walls would have equipped an ordinary artisan to construct the invention of claim 1, as follows:

*creating an entry representing a page in a hotlist of pages* [see rationale set forth above];  
*searching the page for (index) keywords* [see Walls, col. 3, lines 64-67]; and  
*responsive to discovering at least one keyword within the page, incorporating the at least one keyword into a keyword field of the entry in the hotlist of pages* [see Walls, col. 4, lines 51-60, col. 5, lines 4-10].

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18. In regard to claim 2, Walls disclosed *searching for at least one selected search term* [see Walls, col. 5, lines 44-63];

*displaying to the user* [see Walls, col. 6, lines 17-55];

*responsive to an input from the user selecting a* [see Walls, col. 6, lines 17-55];

*displayed entry and retrieving a page* [see Walls, col. 6, lines 17-55, col. 4, lines 20-40].

19. In regard to claim 3, Walls disclosed *generating a set of keywords* (index, index builder) [see Walls, col. 4, lines 51-61].

20. In regard to claim 4, Walls disclosed *allowing the user to edit the keyword* (user-generated commands) [see Walls, col. 6, lines 16-18, figure 10].

21. In regard to claim 5, Walls disclosed *enable automatic updates of the keyword* (index) [see Walls, col. 5, lines 18-19].

22. In regard to claim 6, Walls disclosed *searching for at least one selected search term in keyword fields of entries within the hotlist of pages* [see Walls, col. 5, lines 44-63]

*displaying to a user each entry in the hotlist of page containing the at least one selected search term within the keyword field for the respective entry* [see Walls, col. 6, lines 17-55, figures 7-12]; *and*

*responsive to an input from the user selecting a displayed entry in the hotlist of pages, retrieving a page associated with the selected displayed entry in the hotlist of pages* [see Walls, col. 6, lines 17-55, figures 7-12].

23. In regard to claim 7, Walls disclosed *creating a new entry representing a page in the hotlist of pages* [see Walls, col. 3, lines 50-67];

*searching the page for keywords* [see Walls, col. 3, lines 64-67, figures 7-12]; *and*

*responsive to discovering at least one keyword within the page, incorporating the at least one keyword into the keyword field of the entry in the hotlist of pages* [see Walls, col. 4, lines 51-60, col. 5, lines 4-10, figures 7-12].

24. In regard to claim 8, Walls disclosed *searching for a combination of multiple selected search terms selectively combined* (index builder) [see Walls, col. 5, lines 44-63, and figure 10].

25. Since the combination of Walls' teaching and the knowledge of one with ordinary skill in the art at the time the invention was made would have resulted in the invention as broadly claimed, claims 1-8 are rejected.

26. Referring to claims 9-24, these claims describe a system and a computer program that presented in claims 1-8. They are rejected using the same rationale.

### ***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Kram et al., U.S. Patent No 4,754,326, disclosed method and apparatus for assisting user of information retrieval systems.
- b. Ainsbury et al., U.S. Patent No 6,078,924, disclosed method and apparatus for performing data collection, interpretation and analysis, in an information platform.
- c. Horvitz, U.S. Patent No 6,067,565, disclosed technique for prefetching a web page of potential future interested in lieu of continuing a current information download.
- d. Nguyen, U.S. Patent No 6,584,498, disclosed dynamic preloading of web pages.



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- e. Greer et al., U.S. Patent No 5,978,828, disclosed URL bookmark update notification of page content or location changes.
- f. Nielsen, U.S. Patent No 5,813,007, disclosed automatic updates of bookmarks in a client computer.
- g. Maddalozzo, Jr. et al., U.S. Patent No 6,460,060, disclosed method and system for searching web browser history.
- h. Keller et al. "A Bookmarking Service for Organizing and Sharing URLs", Computer Networks and ISDN Systems. Vol. 29, September 1997.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lambert L. Tran whose telephone number is (703) 305-4663. The examiner can normally be reached from 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on (703) 305-9703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

L.L.T  
Assistant Examiner  
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September 11, 2003

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